

AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1249

Introduced by Senator Wolk

February 23, 2012

An act to amend Section ~~1528~~ of 13100 of, and to add Chapter 7.4 (commencing with Section 1745) to Division 2 of, the Fish and Game Code, relating to fish and wildlife resources, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1249, as amended, Wolk. Department of Fish and Game: lands: expenditures.

Existing

(1) *Existing* law requires the Department of Fish and Game to operate lands, or lands and water, acquired for public shooting grounds, state marine recreational management areas, or wildlife management areas on a nonprofit basis (collectively, department-operated lands). Existing law states that multiple recreational use of wildlife management areas is desirable and requires the Fish and Game Commission to encourage multiple recreational use. Existing law authorizes the commission to determine and fix the amount of, and authorizes the department to collect, fees for any use privileges. Existing law restricts shooting permits for department-operated lands to persons holding valid hunting licenses. *Existing law, except as expressly provided, makes any violation of the Fish and Game Code, or any rule, regulation, or order made or adopted under that code, a misdemeanor.*

This bill would authorize the department to enter into contracts or other agreements with nonprofit conservation groups, *as specified*, for the management and operation of department-managed lands, defined

to include public shooting grounds, state marine recreational management areas, *ecological reserves*, and wildlife management areas. The bill would state that hunting, fishing, wildlife viewing, wildlife photography, conservation education, and fish and wildlife research are the priority uses compatible with ~~wildlife management areas~~ *department-managed lands*, and would ~~prohibit other uses in wildlife management areas unless specifically authorized by regulations adopted by the commission. The bill would authorize the commission to require the purchase of a special use permit for those other uses in wildlife management areas as provided in regulations adopted by the commission and subject to terms and conditions imposed by the department~~ *allow the department to authorize by regulation other public uses. The bill would authorize the department to require the purchase of a special use permit for those other public uses. The bill, commencing January 1, 2014, would require the purchase of an entry permit, as provided in regulations adopted by the commission specified, for access to department-managed lands for uses other than hunting and fishing, as defined, except as provided. The bill would require the failure to obtain a permit to be an infraction, as specified. The bill would require moneys generated by these provisions to be deposited in the Fish and Game Preservation Fund and would continuously appropriate those funds for the department to use for the management and operation of its lands, thereby making an appropriation.*

(2) *Existing law requires specified fines and penalties paid to and retained in the county treasury to be deposited in a county fish and wildlife propagation fund and expended for the protection, conservation, propagation, and preservation of fish and wildlife, under the direction of the county board of supervisors. Existing law limits expenditures from the fish and wildlife propagation fund of a county for specified purposes.*

This bill would require all proposed expenditures from a county fish and wildlife propagation fund to be reviewed first at a regular meeting of the county board of supervisors or its designated county fish and game commission to ensure compliance with those specified expenditure purposes. The bill would find and declare that these provisions are an issue of statewide concern and not a municipal affair, as specified. By imposing new duties on counties, this bill would impose a state-mandated local program.

(3) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.*

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 7.4 (commencing with Section 1745) is
2 added to Division 2 of the Fish and Game Code, to read:

3
4 CHAPTER 7.4. DEPARTMENT-MANAGED LANDS

5
6 1745. (a) For purposes of this section, “department-managed
7 lands” includes lands, or lands and water, acquired for public
8 shooting grounds, state marine (estuarine) recreational
9 management areas, ecological reserves, and wildlife management
10 areas.

11 (b) Department-managed lands shall be operated on a nonprofit
12 basis by the department. The department may enter into contracts
13 or other agreements with nonprofit conservation groups,
14 recognized under Section 501(c) of the Internal Revenue Code,
15 for the management and operation of department-managed lands.
16 The agreements authorized pursuant to this section are not subject
17 to Part 2 (commencing with Section 10100) of Division 2 of the
18 Public Contract Code or Article 6 (commencing with Section 999)
19 of Chapter 6 of Division 4 of the Military and Veterans Code.

20 (c) Multiple recreational use of department-managed lands is
21 desirable and that use shall be encouraged by the commission.
22 Except for hunting and fishing purposes, only minimum facilities
23 to permit other forms of multiple recreational use, such as camping,
24 picnicking, boating, or swimming, shall be provided.

25 (d) Except as provided in Section 1765, and to defray the costs
26 associated with multiple use, the commission may determine and
27 fix the amount of, and the department shall collect, fees for any
28 use privileges. Only persons holding valid hunting licenses may

1 *apply for or obtain shooting permits for department-managed*
2 *lands.*

3 *(e) (1) Hunting, fishing, wildlife viewing, wildlife photography,*
4 *conservation education, and fish and wildlife research are the*
5 *priority uses compatible with department-managed lands.*

6 *(2) Public uses of department-managed lands not listed in*
7 *paragraph (1) shall be authorized by regulations adopted by the*
8 *department. The department may require the purchase of a special*
9 *use permit for these other uses.*

10 *(f) Commencing January 1, 2014, the purchase of an entry*
11 *permit through the Automated License Data System or other means,*
12 *as determined by the department, shall be required to access all*
13 *department-managed lands for uses other than hunting and fishing.*
14 *The user shall have the entry permit in his or her immediate*
15 *possession while on department-managed lands. Failure to obtain*
16 *a permit for uses listed in paragraph (1) of subdivision (e) or as*
17 *required by regulations adopted by the department pursuant to*
18 *paragraph (2) of subdivision (e) shall be an infraction as described*
19 *in Section 12002.2.1. A person in possession of a valid hunting*
20 *license, a sport fishing license, or a trapping license shall be*
21 *exempt from the payment of an entry permit fee.*

22 *(g) Notwithstanding Section 13340 of the Government Code,*
23 *the moneys generated pursuant to this section shall be deposited*
24 *in the Fish and Game Preservation Fund, and are hereby*
25 *continuously appropriated to the department for the management*
26 *and operation of its lands.*

27 *(h) Notwithstanding subdivision (f), the department may continue*
28 *to allow free access to an area of department-managed lands if*
29 *the commission finds that the best interest of that area would be*
30 *served through not collecting the entrance fee.*

31 *SEC. 2. Section 13100 of the Fish and Game Code is amended*
32 *to read:*

33 *13100. (a) The amounts paid to and retained in the county*
34 *treasury pursuant to Sections 12009 and 13003 shall be deposited*
35 *in a county fish and wildlife propagation fund and expended for*
36 *the protection, conservation, propagation, and preservation of fish*
37 *and wildlife, under the direction of the board of supervisors,*
38 *pursuant to this chapter.*

39 *(b) All proposed expenditures from a county fish and wildlife*
40 *propagation fund shall be reviewed first at a regular meeting of*

1 the county board of supervisors or its designated county fish and
2 game commission to ensure compliance with Section 13103.

3 SEC. 3. The Legislature finds and declares that Section 2 of
4 this bill is an issue of statewide concern and not a municipal affair,
5 as that term is used in Section 5 of Article XI of the California
6 Constitution.

7 SEC. 4. If the Commission on State Mandates determines that
8 this act contains costs mandated by the state, reimbursement to
9 local agencies and school districts for those costs shall be made
10 pursuant to Part 7 (commencing with Section 17500) of Division
11 4 of Title 2 of the Government Code.

12 SECTION 1. ~~Section 1528 of the Fish and Game Code is~~
13 ~~amended to read:~~

14 1528. (a) ~~As used in this section:~~

15 (1) ~~“Department-managed lands” include lands, or lands and~~
16 ~~water, acquired for public shooting grounds, state marine~~
17 ~~(estuarine) recreational management areas, and wildlife~~
18 ~~management areas.~~

19 (2) ~~“Hunting” and “fishing” together mean the take of any game~~
20 ~~bird, game mammal, furbearer, fish, or nongame species in~~
21 ~~accordance with this code and regulations adopted pursuant to this~~
22 ~~code.~~

23 (b) ~~Department-managed lands shall be operated on a nonprofit~~
24 ~~basis by the department. The department may enter into contracts~~
25 ~~or other agreements with nonprofit conservation groups for the~~
26 ~~management and operation of department-managed lands.~~

27 (c) ~~Multiple recreational use of wildlife management areas is~~
28 ~~desirable and that use shall be encouraged by the commission.~~
29 ~~Except for hunting and fishing purposes, only minimum facilities~~
30 ~~to permit other forms of multiple recreational use, such as camping,~~
31 ~~picnicking, boating, or swimming, shall be provided.~~

32 (d) ~~Except as provided in Section 1765, and to defray the costs~~
33 ~~associated with multiple use, the commission may determine and~~
34 ~~fix the amount of, and the department shall collect, fees for any~~
35 ~~use privileges. However, tours by organized youth and school~~
36 ~~groups are exempt from the payment of those fees. Only persons~~
37 ~~holding valid hunting licenses may apply for or obtain shooting~~
38 ~~permits for public shooting grounds, state marine (estuarine)~~
39 ~~recreational management areas, or wildlife management areas.~~

1 ~~(e) (1) Hunting, fishing, wildlife viewing, wildlife photography,~~
2 ~~conservation education, and fish and wildlife research are the~~
3 ~~priority uses compatible with wildlife management areas.~~

4 ~~(2) Uses not listed in paragraph (1) are prohibited in wildlife~~
5 ~~management areas unless specifically authorized by regulations~~
6 ~~adopted by the commission. The commission may require the~~
7 ~~purchase of a special use permit for uses in wildlife management~~
8 ~~areas not listed in paragraph (1), as provided in regulations adopted~~
9 ~~by the commission and subject to terms and conditions imposed~~
10 ~~by the department.~~

11 ~~(f) The purchase of an entry permit as provided in regulations~~
12 ~~adopted by the commission shall be required to access all~~
13 ~~department-managed lands for uses other than hunting and fishing.~~
14 ~~The user shall have the entry permit in his or her immediate~~
15 ~~possession while on department-managed lands. A person in~~
16 ~~possession of a valid hunting license, a sport fishing license, or a~~
17 ~~trapping license shall be exempt from the payment of an entry~~
18 ~~permit fee.~~

19 ~~(g) Notwithstanding subdivision (f), the commission may~~
20 ~~continue to allow free access to an area of department-managed~~
21 ~~lands if the commission finds that the best interest of that area~~
22 ~~would be served through not collecting the entrance fee. This~~
23 ~~finding may be based upon evidence, including, but not limited~~
24 ~~to, that the department would actually lose money by charging the~~
25 ~~fee.~~

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28
29 CORRECTIONS:

30 Text—Page 6.